Notice of Allowability	Application No. 10/017,223	Applicant(s) EMANUELE ET AL.	
	Examiner Richard Schnizer, Ph. D	Art Unit 1635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *Applicant's communication filed 10/29/03*.
2. ☒ The allowed claim(s) is/are *36-41*.
3. ☒ The drawings filed on *04 June 2002* are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
   (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No. ____.
   (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
   (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1☐ Notice of References Cited (PTO-892)
2☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____
4☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5☐ Notice of Informal Patent Application (PTO-152)
6☐ Interview Summary (PTO-413), Paper No._____ .
7☒ Examiner's Amendment/Comment
8☐ Examiner's Statement of Reasons for Allowance
9☐ Other

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below.

Authorization for this examiner's amendment was given in a telephone interview with Sima Kulkarni on 12/23/03.

Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

IN THE CLAIMS

Rewrite claim 36 as follows:

--A method for reducing pathologic hydrophobic interactions, comprising:

administering to a patient at risk for cell damage a composition comprising a substantially pure polyoxypropylene/polyoxyethylene block copolymer composition, wherein said substantially pure polyoxypropylene/polyoxyethylene block copolymer composition is substantially free of unsaturated molecules, said substantially pure polyoxypropylene/polyoxyethylene block copolymer composition containing block copolymers with each of the block copolymers having the following general formula:

$$HO(C_2H_4O)_b(C_3H_6O)_a(C_2H_4O)_bH$$

wherein *a* is an integer such that the molecular weight represented by the polyoxypropylene portion of the respective block copolymer is between 900 Daltons and 15,000 Daltons, and *b* is an integer such that the molecular weight represented by the polyoxyethylene portion of the respective block copolymer constitutes between 5% and

95% of the respective block copolymer, and the polydispersity value is less than approximately 1.07, and whereby pathologic hydrophobic interactions are reduced by the restoration or maintenance of non-adhesive cell surfaces by the block copolymers.--

Rewrite claim 38 as follows:

--A method for reducing pathologic hydrophobic interactions, comprising:

administering to a patient at risk for cell damage a composition comprising a substantially pure polyoxypropylene/polyoxyethylene block copolymer composition, wherein said substantially pure polyoxypropylene/polyoxyethylene block copolymer composition is prepared by

(a) providing a non-purified polyoxypropylene/polyoxyethylene block copolymer composition prepared by first polymerizing propylene oxide and thereafter copolymerizing ethylene oxide therewith which results in the formation of at least

(1) block copolymers with each of the block copolymers having the following general formula:

$$HO(C_2H_4O)_b(C_3H_6O)_a(C_2H_4O)_bH$$

wherein *a* is an integer such that the molecular weight represented by the polyoxypropylene portion of the respective block copolymer is between 900 Daltons and 15,000 Daltons, and *b* is an integer such that the molecular weight represented by the polyoxyethylene portion constitutes between 5% and 95% of the respective block copolymer, and

(2) at least one impurity resulting from the manufacture of the non-purified block copolymer composition, wherein the at least one impurity contains unsaturation and,

(b) substantially removing the at least one impurity from the non-purified block copolymer composition resulting in said substantially pure polyoxypropylene/polyoxyethylene block copolymer composition which thereby has the property of having less unsaturation than the non-purified copolymer composition from which said substantially pure polyoxypropylene/polyoxyethylene block copolymer composition is derived, said substantially pure polyoxypropylene/polyoxyethylene block copolymer composition containing block copolymers with each of the block copolymers having the following general formula:

$$HO(C_2H_4O)_b(C_3H_6O)_a(C_2H_4O)_bH$$

wherein *a* is an integer such that the molecular weight represented by the polyoxypropylene portion of the respective block copolymer is between 900 Daltons and 15,000 Daltons, and *b* is an integer such that the molecular weight represented by the polyoxyethylene portion of the respective block copolymer constitutes between 5% and 95% of the respective block copolymer, and the polydispersity value is less than approximately 1.07; and whereby pathologic hydrophobic interactions are reduced by the restoration or maintenance of non-adhesive cell surfaces by the block copolymers.--

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner(s) should be directed to Richard Schnizer, whose telephone number is 703-306-5441 until 1/13/04, and thereafter will be 571-272-0762. The examiner can normally be reached Monday through Friday between the hours of 6:20 AM and 3:50 PM. The examiner is off on alternate Fridays, but is sometimes in the office anyway.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Wang, can be reached at 703-306-3217 before 2/22/04, and at 571-272-0811 after 2/22/04. The official central fax number is 703-872-9306 until further notice. Inquiries of a general nature or relating to the status of the application should be directed to the Patent Analyst Trina Turner whose telephone number is 703-305-3413 prior to 1/14/04, and thereafter will be 571-272-0564.

DAVE T. NGUYEN
PRIMARY EXAMINER

Richard Schnizer, Ph.D.

S #	Updt	Database	Query	T
S10161	U	USPT	emanuele.in. and respective.clm. and polyoxypropylene.clm.	200 12-14:
S10160	U	USPT	emanuele.in. and respective.clm.	200 12-14:
S10159	U	USPT	emanuele.in. and patient.clm.	200 12-14:
S10158	U	USPT	emanuele.in. and pathological.clm.	200 12-14:
S10157	U	USPT	emanuele.in. and pathological.clm. and respective.clm.	200 12-14:
S10120	U	PGPB	emanuele.in. and (pathologic$ hydrophobic)	200 12-11:
S10119	U	PGPB	emanuele.in. and (pathologic$ hydrophobic).clm.	200 12-11:
S10118	U	USPT	emanuele.in. and (pathologic$ hydrophobic).clm.	200 12-11:
S10117	U	PGPB	emanuele.in. and (pathologic$ hydrophobic).clm.	200 12-11:
S10116	U	PGPB	20010046967 and 6	200 12-10:
S10115	U	PGPB	20010046967 and 200	200 12-10:
S10114	U	PGPB	20010046967	200 12-10:

S10113		U	USPT	block copolymer and emanuele.in. and substantial$.clm.	200 12-09:
S10112		U	USPT	emanuele.in. and substantial$.clm.	200 12-09:

S #	Updt	Database	Query	T
S10111	U	PGPB	emanuele.in. and substantial$.clm.	200 09:5
S10110	U	PGPB	20020183398 and substantial$	200 09:5
S10109	U	PGPB	20020183398 and substantially	200 09:4
S10108	U	PGPB	20020183398 and non-adhesive	200 12-1 09:0
S10107	U	USPT	5674911.pn.	200 08:4
S10106	U	PGPB,USPT	20020183398	200 08:2
S10105	U	PGPB,USPT	20020183398 and cell damage	200 08:2
S10104	U	PGPB,USPT	Emanuele.in. and (cell damage).clm.	200 08:2
S10103	U	PGPB,USPT	Emanuele.in. and (cell damage).clm.	200 08:2
S10102	U	USPT	Emanuele.in. and (cell damage).clm.	200 08:1

(FILE 'HOME' ENTERED AT 15:13:23 ON 23 DEC 2003)

FILE 'MEDLINE, CAPLUS, EMBASE, BIOSIS, BIOTECHDS' ENTERED AT 15:13:37 ON
23 DEC 2003
L1 55 SEA PLU=ON PATHOLOGIC? AND HYDROPHOBIC INTERACTION
L2 0 SEA PLU=ON L1 AND (COPOLYMER OR POLOXAMER OR POLYOXYETHYLENE
OR PLURONIC)

L3 113 SEA PLU=ON (PLURONIC OR POLOXAMER OR (POLYOXYETHYLENE AND POLYOXYPROPYLENE)) AND POLYDISPERS?
L4 8 SEA PLU=ON L3 AND (VIVO OR INTRAVENOUS? OR INTRAPERITON?)
L5 4 DUP REM L4 (4 DUPLICATES REMOVED)
D BIB AB 1-4